THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.26626 OF 2005

Dated: 14-12-2005

Between

Bodda Krishna Rao, S/o. Chinnavadu, F.P. Shop Dealer (Under Suspension), Pentavooru Village, Nandigama Mandal, Srikakulam District.

...PETITIONER

AND

The State of A.P., represented by its Joint Collector, Srikakulam District.

...RESPONDENT

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondent in not hearing the stay petition filed along with S.R.A.No.70 of 2005 on 03.12.2005 till today as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner is a Fair Price Shop Dealer of Pentavooru Village, Nandigama Mandal, Srikakulam District. Based on the report of the Enforcement Staff, Sub-Collector's Office, Takkali, the Revenue Divisional Officer issued a show cause notice dated 23.11.2005 to the petitioner directing him to submit his explanation within seven days from the date of the notice as to why disciplinary action should not be taken against him for the alleged irregularities. However, the dealership of the petitioner was suspended by order dated 28.11.2005. It is stated that against the said order, the petitioner filed an appeal dated 03.12.2005 before the Joint Collector, Srikakulam District along with an application for grant of stay and the same is pending.

Admittedly as the appeal and the stay application is pending before the Joint Collector, this Court is not inclined to express any opinion with regard to the validity of the suspension made pending enquiry as it is a matter to be considered by the appellate authority.

Having regard to the facts and circumstances of the case,
the writ petition is disposed of directing the respondent to consider and dispose of the stay application within two weeks from the date of receipt of a copy of this order and thereafter the appeal may be disposed of in accordance with law after giving reasonable opportunity to the petitioner.

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V. ESWARAIAH, J

December 14, 2005

Note: Furnish C.C. of the order by 15.12.2005

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